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The 2005 Florida Statutes

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PUBLIC HEALTH

ENVIRONMENTAL CONTROL

403.703 Definitions.--As used in this act, unless the context clearly indicates other term:

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(1) "Department" means the Department of Environmental Protection or any successor performing a like function.

(2) "County," or any like term, means a political subdivision of the state established 1, Art. VIII of the State Constitution and when s. 403.706(19) applies, means a special other entity.

(3) "Municipality," or any like term, means a municipality created pursuant to general law authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of the State Constitution. 403.706(19) applies, means a special district or other entity.

(4) "Person" means any and all persons, natural or artificial, including any individual association; any municipal or private corporation organized or existing under the laws of any other state; any county of this state; and any governmental agency of this state or Federal Government.

(5) "Recyclable material" means those materials which are capable of being recycled which would otherwise be processed or disposed of as solid waste.

(6) "Recycling" means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned in some form of raw materials or products.

(7) "Recovered materials" means metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted from the solid waste stream for sale, use, or reuse, whether or not the materials require subsequent processing or separation from other materials, but does not include materials destined for any use that constitutes disposal of materials as described above are not solid waste.

(8) "Solid waste management" means the process by which solid waste is collected, stored, separated, processed, or disposed of in any other way, according to an orderly and planned program, which includes closure and long-term maintenance.

(9) "Resource recovery" means the process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission.

(10) "Solid waste management facility" means any solid waste disposal area, volume plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. It does not include recovered materials processing facilities which meet the requirements of this act except the portion of such facilities, if any, that is used for the management of solid waste.

(11) "Solid waste disposal facility" means any solid waste management facility which is the final resting place for solid waste, including landfills and incineration facilities that produce the process of incinerating municipal solid waste.

(12) "Resource recovery equipment" means equipment or machinery exclusively used and in the actual process of recovering material or energy resources from solid waste.

(13) "Solid waste" means sludge unregulated under the federal Clean Water Act or sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including liquid, semisolid, or contained gaseous material resulting from domestic, industrial, mining, agricultural, or governmental operations. Recovered materials as defined in this act are not solid waste.

(14) "Volume reduction plant" includes incinerators, pulverizers, compactors, shredding plants, composting plants, and other plants which accept and process solid waste for disposal.

(15) "Yard trash" means vegetative matter resulting from landscaping maintenance or clearing operations.

(16) "Transfer station" means a site the primary purpose of which is to store or hold waste prior to transport to a processing or disposal facility.

(17) "Construction and demolition debris" means discarded materials generally consisting of not water-soluble and nonhazardous in nature, including, but not limited to, steel, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the demolition of a structure, and including rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction or demolition project. Including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of waste will cause it to be classified as other than construction and demolition debris. This section includes:

(a) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;

(b) Except as provided in s. 403.707(12)(j), unpainted, nontreated wood scraps from manufacturing materials used for construction of structures or their components and nontreated wood pallets provided the wood scraps and pallets are separated from other waste where generated and the generator of such wood scraps or pallets implements recycling of the generating industry to minimize the commingling of wood scraps or pallets with other waste; and

(c) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

(18) "Closure" means the cessation of operation of a solid waste management facility and the securing of such facility so that it will pose no significant threat to human health or

environment.

(19) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or upon any land or water so that such solid waste or hazardous waste or any constituent thereof may enter other lands or be emitted into or discharged into any waters, including groundwaters, or otherwise enter the environment.

(20) "Generation" means the act or process of producing solid or hazardous waste.

(21) "Hazardous waste" means solid waste, or a combination of solid wastes, which, by its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or managed. The term does not include human remains that are disposed of by persons pursuant to chapter 497.

(22) "Hazardous waste facility" means any building, site, structure, or equipment at which hazardous waste is disposed of, stored, or treated.

(23) "Hazardous waste management" means the systematic control of the collection, separation, storage, transportation, processing, treatment, recovery, recycling, and disposal of hazardous wastes.

(24) "Manifest" means the recordkeeping system used for identifying the composition, origin, routing, and destination of hazardous waste during its transport from the point of generation to the point of disposal, storage, or treatment.

(25) "Operation," with respect to any solid waste management facility, means the management, storage, or processing of solid waste at and by the facility.

(26) "Storage" means the containment or holding of a hazardous waste, either on a temporary or permanent basis, for a period of years, in such a manner as not to constitute disposal of such hazardous waste.

(27) "Transport" means the movement of hazardous waste from the point of general entry into the state to any offsite intermediate points and to the point of offsite ultimate storage, treatment, or exit from the state.

(28) "Treatment," when used in connection with hazardous waste, means any method or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize it or render it nonhazardous, safe for transport, amenable to recovery, amenable to storage or disposal, or reduce its concentration. The term includes any activity or processing designed to change the physical, chemical, or biological composition of hazardous waste so as to render it nonhazardous.

(29) "Hazardous substance" means any substance which is defined as a hazardous substance under the United States Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601.

(30) "Guarantor" means any person, other than the owner or operator, who provides financial responsibility for an owner or operator under this act.

(31) "Land disposal" means any placement of hazardous waste in or on the land and not limited to, placement in a landfill, surface impoundment, waste pile, injection well, treatment facility, salt bed formation, salt dome formation, or underground mine or

placement in a concrete vault or bunker intended for disposal purposes.

(32) "Special wastes" means solid wastes that can require special handling and management, including, but not limited to, white goods, waste tires, used oil, lead-acid batteries, and demolition debris, ash residue, yard trash, and biological wastes.

(33) "Clean debris" means any solid waste which is virtually inert and which is not a threat to groundwater or surface waters and is not a fire hazard and which is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes uncontaminated concrete, including embedded pipe or steel, brick, glass, ceramics, and wastes designated by the department.

(34) "Processing" means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport, management, recovery, storage or recycling, or safe for disposal, or reduced in volume or concentration.

(35) "Sludge" includes the accumulated solids, residues, and precipitates generated from wastewater treatment or processing, including wastewater treatment, water supply treatment, operation of an air pollution control facility, and mixed liquids and solids pumped from tanks, grease traps, privies, or similar waste disposal appurtenances.

(36) "White goods" includes inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

(37) "Biomedical waste" means any solid waste or liquid waste which may present a significant risk of infection to humans. The term includes, but is not limited to, nonliquid human tissue or body parts; laboratory and veterinary waste which contain human-disease-causing agents or infectious agents; disposable sharps; human blood, and human blood products and body fluids; and other waste which in the opinion of the Department of Health represent a significant risk of infection outside the generating facility. The term does not include human remains that are cared for by persons licensed under chapter 497.

(38) "Biomedical waste generator" means a facility or person that produces or generates biomedical waste. The term includes, but is not limited to, hospitals, skilled nursing facilities, convalescent hospitals, intermediate care facilities, clinics, dialysis clinics, dental or medical maintenance organizations, surgical clinics, medical buildings, physicians' offices, laboratories, veterinary clinics, and funeral homes.

(39) "Biological waste" means solid waste that causes or has the capability of causing infection and includes, but is not limited to, biomedical waste, diseased or dead animals, or other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under chapter 497.

(40) "Materials recovery facility" means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel, or amendment, or any combination of such materials.

(41) "Recovered materials processing facility" means a facility engaged solely in the processing, resale, or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of s. [403.7045\(1\)\(e\)](#).

(42) "Ash residue" has the same meaning as the term is defined in the department rules for waste combustors which defines such term.

(43) "Pelletized paper waste" means pellets produced exclusively from discarded paper or cardboard derived from a solid waste management facility or a recovered materials processing facility.

which is shredded, extruded, or formulated into compact pellets of various sizes for supplemental fuel in permitted boilers other than waste-to-energy facilities. The use of pellets as a supplemental fuel in permitted boilers other than waste-to-energy facilities used by local governments as credits toward the goals for reduction of solid waste pursuant to [403.706\(4\)\(b\)](#).

(44) "Source separated" means the recovered materials are separated from solid waste before recovered materials and solid waste are generated. The term does not require that recovered materials be separated from each other and recognizes that, in accordance with industry standards and practices, materials may be included in the recovered materials stream. Materials are not considered source separated when two or more types of recovered materials are deposited in combination with each other in a commercial collection container located at the source. Materials are generated and such materials contain more than 10 percent solid waste by weight. For purposes of this subsection, the term "various types of recovered materials" includes metals, paper, glass, plastic, textiles, and rubber.

History.--s. 1, ch. 74-342; s. 2, ch. 78-329; s. 1, ch. 78-387; s. 84, ch. 79-65; s. 4, ch. 81-45; s. 267, ch. 81-259; s. 31, ch. 83-310; s. 33, ch. 84-338; s. 31, ch. 86-186; s. 130; s. 67, ch. 90-331; s. 2, ch. 92-104; s. 8, ch. 93-207; s. 394, ch. 94-356; s. 1, ch. 97-237; s. 160, ch. 99-8; s. 30, ch. 2000-153; s. 18, ch. 2000-211; s. 1, ch. 2000-202-291; s. 139, ch. 2004-301.

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